

Remarks

Applicant has reviewed the Office Action dated as mailed January 13, 2005, and the documents cited therewith. After the above amendment have been made, the present application contains claims 1-4, 6-17, 19-32 and 34. Claims 1, 2, 6, 7, 8, 9, 16, 23, 24, 25, 28, 30 and 31 have been amended. Claims 5, 18 and 33 have been cancelled.

Claim Rejections under 35 U.S.C. §102

Claims 1-4, 10-16, 18, 21, 23-27 and 30-32 were rejected under 35 U.S.C. § 102 (e) as being anticipated by Cooper, U.S. Publication Number 2004/0203745 A1 (hereinafter Cooper). These rejections are respectfully traversed.

Turning initially to the rejection of independent claim 1 as being anticipated by Cooper, claim 1 has been amended to include the features of claim 5 and claim 5 has been canceled.

Accordingly, claim 1 now recites:

“receiving a first quality indicator for a channel;
receiving a second quality indicator for the channel after a predetermined time period in response to the first quality indicator being below a predetermined threshold value;
scanning any channels in a channel scan list in response to the second quality indicator being below the predetermined threshold value...”

In contrast, applicant respectfully submits that Cooper does not teach or suggest the features recited above in amended claim 1. The Office Action on page 7 admits that Cooper fails to teach a computer-readable medium and method, further comprising: receiving at least another quality indicator after a predetermined time before scanning any channels in the channel list; and scanning any channels in the channel scan list in response to the at least other quality indicator being below the predetermined threshold value. Accordingly, applicant respectfully submits that claim 1 as amended is patentably distinguishable over Cooper, and reconsideration and withdrawal of the 35 U.S.C. § 102 rejection of claim 1 is respectfully requested.

The Office Action beginning on page 7 and continuing on page 8 cites Hirose et al., U.S. Patent 6,064,890 (hereinafter Hirose) for teaching the features of claims 5 and 33, that Cooper fails to teach or suggest. The Office Action refers to column 17, lines 1 et seq. of Hirose for teaching these features. Applicant respectfully submits that Hirose also fails to teach or suggest “receiving a second quality indicator for the channel after a predetermined time period in

response to the first quality indicator being below a predetermined threshold value” and Hirose also fails to teach or suggest “scanning any channels in a channel scan list in response to the second quality indicator being below the predetermined threshold value” as recited in amended claim 1. Referring to column 17 of Hirose beginning at line 26, Hirose recites:

“When instructed by the base station switching judging unit 103 to select a base station, the increase base station selection unit 405 refers to the information stored in the peripheral base station table 102 and selects the base station with the highest signal quality before comparing the signal quality of the selected base station with a predetermined second threshold.”

Accordingly Hirose does not teach or suggest receiving a second quality indicator for the channel after a predetermined time period in response to the first quality indicator for the channel being below a predetermined threshold value in response to the first quality indicator being below a predetermined threshold value (emphasis added) as recited in amended claim 1.

Hirose also recites in column 17 beginning at line 36:

“When the signal quality of the selected base station is equal to or below the second threshold the change levels stored in the peripheral base station table 102 are compared for different base stations and a base station with the most marked increase in the thirty measured samples is selected, with the increase base station selection unit 405 informing the base station switching unit 105 of this newly selected base station.”

Accordingly, applicant respectfully submits that Hirose does not teach or suggest scanning any channels in a channel scan list in response to the second quality indicator being below the predetermined threshold value as required by independent claim 1 as amended. Rather, Hirose teaches comparing the change levels stored in the peripheral base station table 102 and selecting the base station with the most marked increase in response to the signal quality of a previously selected base station being equal to or below the second threshold. Accordingly, Applicant respectfully submits that claim 1 as amended is patentably distinguishable over Cooper and Hirose, whether considered individually or combined, and allowance of claim 1 is respectfully solicited.

Turning now to the rejection of claims 2-4 and 10-15, Applicant respectfully submits that these claims contain additional features which further patentably distinguish over Cooper. For example, Cooper does not teach or suggest scanning any channels in a channel scan list or a preferred roaming list and skipping any channels on a grey zone channel list as recited in claims

3 and 4. Cooper also does not teach or suggest removing a channel from a grey zone channel list after the channel has been in the grey zone channel list for a predetermined time period as recited in claim 12. Nor does Cooper teach or suggest performing a micro-scan of any channels on a grey zone channel list as recited in claim 13. Further, Cooper does not teach or suggest receiving a received signal strength indication (RSSI) for a channel in the grey zone channel list and comparing RSSI to one of a threshold value or a previously received RSSI for the channel as recited in claim 14 of the present application.

In addition to containing features which further patentably distinguish over Cooper, claims 2-4 and 10-15 also depend either directly or indirectly from independent claim 1. By virtue of that dependency, these claims contain all of the features of independent claim 1. Therefore, Applicant respectfully submits that these claims are also patentably distinguishable over Cooper, and reconsideration and withdrawal of the 35 U.S.C. § 102 rejections of these claims are respectfully requested.

Turning now to the rejection of independent claim 16 under 35 U.S.C. § 102 (e) as being anticipated by Cooper, claim 16 has been amended to recite:

“receiving a first E_C/I_O of the CDMA pilot channel below a grey zone threshold value; receiving another E_C/I_O of the CDMA pilot channel below the grey zone threshold value after the predetermined period of time and before scanning any channels in the channel scan list to acquire another communication system...”

As previously discussed with respect to independent claim 1, Cooper does not teach or suggest receiving a first E_C/I_O of the CDMA pilot channel below a grey zone threshold value and receiving another E_C/I_O of the CDMA pilot channel below the grey zone threshold value after a predetermined period of time and before scanning any channels in the channel scan list to acquire another communications system as required independent by amended claim 16. Accordingly, Applicant respectfully submits that independent claim 16 is patentably distinguishable over Cooper, and reconsideration and withdrawal of the Section 102 rejection of independent claim 16 is respectfully solicited.

With respect to the 35 U.S.C. § 102 (e) rejection of claim 21 as being anticipated by Cooper, claim 21 recites: “skipping any channels on the grey zone list or performing a micro-scan of any channels on the grey zone list”. As previously discussed Cooper does not teach or

suggest a grey zone list or skipping any channels on the grey zone list when scanning any channels on a channel scan list as recited in claim 21. Additionally, claim 21 depends directly from independent claim 16, and by virtue of the dependency, contains all of the features of independent claim 16. Therefore, Applicant respectfully submits that claim 21 is also patentably distinguishable over Cooper, and reconsideration and withdrawal of the rejection of claim 21 is respectfully solicited.

With respect to the rejection of independent claim 23 under 35 U.S.C. § 102 (e) as being anticipated by Cooper, claim 23 has been amended to recite:

“a receiver to receive a first quality indicator for a channel and a second quality indicator for the channel after a predetermined of time in response to the first quality indicator being below a predetermined threshold value...”

and claim 23 further recites:

“a microprocessor adapted to cause scanning of any channels on the channel scan list in response to the second quality indicator of the channel being below the predetermined threshold value”.

As previously discussed, there's no teaching or suggestion in Cooper of receiving a first quality indicator for a channel and a second quality indicator for the channel after a predetermined time period in response to the first quality indicator being below a predetermined threshold value. Nor does Cooper teach or suggest a microprocessor adapted to cause scanning of any channels on a channel scan list in response to the second quality indicator of the channel being below the predetermined threshold value. Accordingly, Applicant respectfully submits that claim 23 as amended is patentably distinct over Cooper, and reconsideration and withdrawal 35 U.S.C. § 102 (e) rejection of claim 23 is respectfully requested.

With respect to the 35 U.S.C. § 102 (e) rejection of claims 24-27 as being anticipated by Cooper, Applicant respectfully submits that these claims contain additional features which further patentably distinguish over Cooper. Additionally, these claims depend either directly or indirectly from independent claim 23, and by virtue of that dependency, contain all the features of independent claim 23. Accordingly, these claims are also submitted to be patentably distinguishable over Cooper, and reconsideration and withdrawal of the Section 102 rejection of these claims is respectfully solicited.

Turning now to the rejection of independent claim 30 under 35 U.S.C. § 102 (e) as being anticipated by Cooper, claim 30 has been amended to recite features similar to those recited in claim 1. Therefore, Applicant respectfully submits that claim 30 is also patentably distinguishable over Cooper and Hirose for all of the reasons discussed with respect to claim 1. Reconsideration and withdrawal Section 102 rejection of claim 30 is respectfully requested.

With respect to the rejection of claim 32 under 35 U.S.C. § 102 (e) as being anticipated by Cooper, claim 32 recites skipping any channels on a grey zone channel list when scanning channels. As previously discussed, Cooper does not teach or suggest a grey zone channel list nor does Cooper teach or suggest skipping channels which are on a grey zone channel list. Additionally, claim 32 depends directly from independent claim 30. By virtue of that dependency, claim 32 contains all of the features of independent claim 30. Therefore, Applicant respectfully submits that claim 32 is also patentably distinct over Cooper, and reconsideration and withdrawal of the Section 102 rejection of claim 32 is requested.

Claim Rejections under 35 U.S.C. §103

Claims 5-6, 19, 20 and 33-34 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Cooper as applied to claims 1, 16, 23 and 30 and further in view of Hirose. As previously discussed, claim 1 and 30 have been amended to include the features claims 5 and 33 which are submitted to be patentably distinguishable over Cooper and Hirose, whether considered individually or combined and claims 5 and 33 have been canceled.

With respect to dependent claim 6, claim 6 not recites “adding the channel to a grey zone channel list in response to the second quality indicator signal being below the predetermined threshold value”. Applicant respectfully submits that Hirose does not teach or suggest adding a channel to a grey zone channel list in response to receiving a second quality indicator that is also below a predetermined threshold value. Additionally, claim 6 has been amended to depend directly from independent claim 1, and by virtue of that dependency, contains all of the features of independent claim 1. Therefore, applicant respectfully submits that claim 6 is also patentably distinguishable over Cooper and Hirose, whether considered individually or combined, and

reconsideration and withdrawal of the 35 U.S.C. § 103 (a) rejection of claim 6 is respectfully requested.

Regarding the 35 U.S.C. § 103 (a) rejection of claims 19-20 as being unpatentable over Cooper in view of Hirose, these claims contain additional features which also patentably distinguish over the cited documents and these claims also depend directly or indirectly from independent claim 16. By virtue of that dependency, claim 19 and 20 contain all of the features of independent claim 16. Accordingly, Applicant respectfully submits that claims 19 and 20 are also patentably distinguishable over the cited documents, and reconsideration and withdrawal of the Section 103 rejection of claim 19 and 20 is respectfully solicited.

Turning now to the rejection of dependent claim 34 under 35 U.S.C. § 103 (a) has being unpatentable over Cooper in view of Hirose, claim 34 has been amended to recite adding a channel to a grey zone channel list in response to a second quality indicator for the channel also being below a predetermined threshold value. As previously discussed, neither Cooper nor Hirose teach or suggest this feature. Additionally, claim 34 depends directly from independent claim 30, and by virtue of that dependency, contains all of the features of claim 30. Therefore, Applicant respectfully submits that claim 34 is also patentably distinguishable over Cooper and Hirose, and reconsideration and withdrawal of the Section 103 rejection of claim 34 is respectfully solicited.

Conclusion

For the foregoing reasons, the Applicant respectfully submits that all of the claims in the present application are in condition for allowance. Reconsideration and withdrawal of the rejections and allowance of the claims at the earliest possible date are respectfully requested.

If the Examiner has any questions about the present Amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4365.

Respectfully submitted,

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